

MTC Telemanagement Corporation

MTC Telemanagement Corporation
1304 Southpoint Blvd.
Suite 100
Petaluma, CA 94954

Original KY P.S.C. Title Sheet

Tariff Schedule
Applicable to
Kentucky Intrastate
Telephone Communications
of
MTC Telemanagement Corporation

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

DEC 01 1996

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: Phyllis Lannin
DIRECTOR, RATES & RESEARCH DIV.

Advice Letter No.

Decision No.

Issued by
Edward A. Brinskele
Name
CEO
Title

Date Filed: _____

Effective: _____

Resolution No: _____

TARIFF CHECKING SHEET

Current sheets in this tariff are as follows:

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PRELIMINARY STATEMENT

This tariff contains all effective rates and rules together with information relating to and applicable to MTC Telemanagement Corporation ("MTC").

MTC provides 24-hour intrastate telecommunications services originating and terminating between points in Kentucky.

MTC has been granted authority by the Kentucky Public Service Commission to provide intrastate telecommunications service within the state of Kentucky.

SYMBOLS USED IN THIS TARIFF

- (C) To signify changed listing, rule, or condition which may affect rates or charges.
- (D) To signify discontinued material, including listing, rate, rule or condition.
- (I) To signify an increase.
- (L) To signify material relocated from or to another part of tariff schedule with no change in text, rate, rule or condition.
- (N) To signify new material including listing, rate, rule or condition.
- (R) To signify reduction.
- (T) To signify change in wording of text but not change in rate, rule, or condition.

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Original KY P.S.C. Sheet No. 5-T

SERVICE AREA MAP

MTC has been granted authority by the Kentucky Public Service Commission to provide intrastate telecommunications service within the state of Kentucky.



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APPLICABILITY

This tariff applies to 24-hour intrastate telecommunications service in Kentucky.

TERRITORY

Within the State of Kentucky, as authorized by the Kentucky Public Service Commission.

NOTES

- (1) Calls that begin in one rate period and terminate in another will be rated according to the rate in effect at the time the calls begin.
- (2) Call duration is measured from the time hardware or software supervision indicates a connection between the calling and called stations.
- (3) Time Periods:
The Day period is Monday through Friday, from 8:00 a.m. to 4:59 p.m. The Evening period is Monday through Friday, from 5:00 p.m. to 10:59 p.m. The Night/Weekend period is Monday through Friday, from 11:00 p.m. to 7:59 a.m., and Saturday, from 8:00 a.m. to Sunday at 10:59 p.m.

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RATES AND CHARGES

I. MTC's Competitive Edge Services

A. Switched - Outbound & Inbound

The following rates for Switched Service are based on customer monthly usage limits. In order to qualify for individual rates, customers are required to maintain a minimum monthly usage. Minimum monthly usage requirements are listed below.

1. Activation Fee: \$0.00
2. Monthly Access Fee:
There is a \$9.50 monthly recurring charge for toll free numbers. In addition customers who choose to have a toll free DA listing will be charged a \$5.00 monthly recurring charge.
3. Monthly Usage Commitment Rate (per minute)

Base Rate	\$0.1450
\$100	\$0.1350
\$500	\$0.1325
\$2,000	\$0.1300
\$5,000	\$0.1275
4. Switched calls are billed in six (6) second increments with an eighteen (18) second minimum.

B. Dedicated - Outbound & Inbound

The following rates for Dedicated Service are based on customer monthly usage limits. In order to qualify for individual rates, customers are required to maintain a minimum monthly usage. Minimum monthly usage requirements are listed below.

1. Activation Fee: \$0.00
2. Monthly Access Fees for all Dedicated Inbound Service Features are listed in Section VII.
3. Monthly Usage Commitment Rate (per minute)

\$2,000	\$0.1000
\$5,000	\$0.0975
\$10,000	\$0.0950
\$20,000	\$0.0925
4. Dedicated calls are billed in six (6) second increments with an eight second minimum.

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RATES AND CHARGES (Continued)

I. MTC's Competitive Edge Services (Continued)

C. MTC One Card

The following rates for the MTC One Card are based on customer monthly usage limits. In order to qualify for individual rates, customers are required to maintain a minimum monthly usage. Minimum monthly usage requirements are listed below.

- | | | |
|----|---|--------------------------|
| 1. | Activation Fee: | \$0.00 |
| 2. | Monthly Access Fee: | \$0.00 |
| 3. | <u>Monthly Usage Commitment</u> | <u>Rate (per minute)</u> |
| | Base Rate | \$0.2500 |
| | \$100 | \$0.2500 |
| | \$500 | \$0.2400 |
| | \$2,000 | \$0.2300 |
| | \$5,000 | \$0.2200 |
| 4. | MTC One Card calls are billed in six (6) second increments with a six (6) second minimum. | |

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RATES AND CHARGES (Continued)

II. MTC's Precision Plus Services

A. Switched Outbound

The following rates for Switched Service, excluding the "Base Rate," are based on customer term agreements. Customers that choose to sign a term agreement will receive a percentage discount off of the "Base Rate". The length of term agreements and percentage discounts are listed below.

1. Activation Fee: \$0.00
2. Monthly Access Fee: \$0.00

3. <u>Term Commitment</u>	<u>Rate (per minute)</u>
Base Rate	\$0.1500
12-Month	4%
24-Month	5%
36-Month	6%
60-Month	10%

4. Switched calls are billed in six (6) second increments with an eighteen (18) second minimum.

B. Switched Inbound

The following rates for Switched Service, excluding the "Base Rate," are based on customer term agreements. Customers that choose to sign a term agreement will receive a percentage discount off of the "Base Rate". The length of term agreements and percentage discounts are listed below.

1. Activation Fee: \$0.00
2. Monthly Access Fee (per toll free number): \$15.00

3. <u>Term Commitment</u>	<u>Rate (per minute)</u>
Base Rate	\$0.1600
12-Month	4%
24-Month	5%
36-Month	6%
60-Month	10%

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4. Switched calls are billed in six (6) second increments with a minimum of 18 seconds. Pursuant to 807 KAR 5:011, SECTION 9 (1)

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RATES AND CHARGES (Continued)

II. MTC's Precision Plus Services (Continued)

C. Dedicated Outbound

The following rates for Dedicated Service, excluding the "Base Rate," are based on customer term agreements. Customers that choose to sign a term agreement will receive a percentage discount off of the "Base Rate". The length of term agreements and percentage discounts are listed below.

1. Activation Fee: \$0.00
2. Monthly Access Fee: \$0.00
3. Term Commitment Rate (per minute)

Base Rate	\$0.1250
12-Month	4%
24-Month	5%
36-Month	6%
60-Month	10%
4. Dedicated calls are billed in six (6) second increments with an eighteen (18) second minimum.

D. Dedicated Inbound

The following rates for Dedicated Service, excluding the "Base Rate," are based on customer term agreements. Customers that choose to sign a term agreement will receive a percentage discount off of the "Base Rate". The length of term agreements and percentage discounts are listed below.

1. Activation Fee: \$0.00
2. Monthly Access Fees for all Dedicated Inbound Service Features are listed in Section VII.
3. Term Commitment Rate (per minute)

Base Rate	\$0.1250
12-Month	4%
24-Month	5%
36-Month	6%
60-Month	10%
4. Dedicated calls are billed in six (6) second increments with an eighteen (18) second minimum.

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RATES AND CHARGES (Continued)

III. MTC's Infiniti Services

A. Switched Outbound

The following rates for Switched Service, excluding the "Base Rate," are based on customer term agreements. Customers that choose to sign a term agreement will receive a percentage discount off of the "Base Rate". The length of term agreements and percentage discounts are listed below.

1. Activation Fee: \$0.00
2. Monthly Access Fee: \$0.00
3. Term Commitment Rate (per minute)

Base Rate	\$0.1744
12-Month	4%
24-Month	5%
36-Month	6%
60-Month	10%
4. Switched calls are billed in six (6) second increments with an eighteen (18) second minimum.

B. Switched Inbound

The following rates for Switched Service, excluding the "Base Rate," are based on customer term agreements. Customers that choose to sign a term agreement will receive a percentage discount off of the "Base Rate". The length of term agreements and percentage discounts are listed below.

1. Activation Fee: \$0.00
2. Monthly Access Fee (per toll free number): \$15.00
3. Term Commitment Rate (per minute)

Base Rate	\$0.2907
12-Month	4%
24-Month	5%
36-Month	6%
60-Month	10%
4. Switched calls are billed in six (6) second increments with an eighteen (18) second minimum.

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RATES AND CHARGES (Continued)

III. MTC's Infiniti Services (Continued)

C. Dedicated Outbound

The following rates for Dedicated Service, excluding the "Base Rate," are based on customer term agreements. Customers that choose to sign a term agreement will receive a percentage discount off of the "Base Rate". The length of term agreements and percentage discounts are listed below.

1. Activation Fee: \$0.00
2. Monthly Access Fee: \$0.00
3. Term Commitment Rate (per minute)

Base Rate	\$0.1311
12-Month	4%
24-Month	5%
36-Month	6%
60-Month	10%
4. Dedicated calls are billed in six (6) second increments with an eighteen (18) second minimum.

D. Dedicated Inbound

The following rates for Dedicated Service, excluding the "Base Rate," are based on customer term agreements. Customers that choose to sign a term agreement will receive a percentage discount off of the "Base Rate". The length of term agreements and percentage discounts are listed below.

1. Activation Fee: \$0.00
2. Monthly Access Fees for all Dedicated Inbound Service Features are listed in Section VII.
3. Term Commitment Rate (per minute)

Base Rate	\$0.1311
12-Month	4%
24-Month	5%
36-Month	6%
60-Month	10%
4. Dedicated calls are billed in six (6) second increments with an eighteen second minimum.

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RATES AND CHARGES (Continued)

IV. MTC's One Card

The following rates for the MTC One Card, excluding the "Base Rate," are based on customer term agreements. Customers that choose to sign a term agreement will receive a percentage discount off of the "Base Rate". The length of term agreements and percentage discounts are listed below.

- | | | |
|----|---|--------------------------|
| 1. | Activation Fee: | \$0.00 |
| 2. | Monthly Access Fee: | \$0.00 |
| 3. | <u>Term Commitment</u> | <u>Rate (per minute)</u> |
| | Base Rate | \$0.2500 |
| | 12-Month | 4% |
| | 24-Month | 5% |
| | 36-Month | 6% |
| | 60-Month | 10% |
| 4. | MTC One Card calls are billed in six (6) second increments with a six (6) second minimum. | |

V. MTC's Dial Wise Plan

- | | | |
|----|--|--------|
| 1. | Activation Fee: | \$0.00 |
| 2. | Monthly Access Fee: | \$2.95 |
| 3. | Usage Rate (per minute): | \$0.09 |
| 4. | Calls are billed in one (1) minute increments with a one (1) minute minimum. | |

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RATES AND CHARGES (Continued)

VI. MTC's Promotional Offerings

A. Competitive Edge Promotional

This promotion is available to all new customers who agree to maintain a minimum monthly usage of \$100.00.

Applicability

This promotion is being offered through December 31, 1996. New customers who wish to participate in this promotion are required to sign the MTC Competitive Edge Service Order Form by December 31, 1996.

1. Activation Fee: \$0.00
2. Monthly Access Fee: \$0.00
3. Usage Rate; per minute:
 - Intrastate: \$0.1425
 - MTC One Card: \$0.2200
4. Calls are billed in six (6) second increments with an eighteen (18) second minimum.
5. A minimum of \$100.00 in usage per month will be charged to all customers participating in this promotion.

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RATES AND CHARGES (Continued)

VII. MTC's Dedicated Inbound Service Features

A. Dedicated Features and Charges

Certain features are available to MTC customers subscribing to dedicated inbound service. The following monthly recurring charges apply to dedicated inbound service features:

<u>Feature</u>	<u>Monthly Recurring Charge</u>
1. Dialed Number Identification Service (DNIS)	\$0.00
2. Real Time ANI	\$15.00
3. 800 Route Advance	\$40.00
4. 800 Termination on a T-1, per inbound trunk group	\$50.00
5. 800 Directory assistance listing, per 800 number	\$5.00
6. Area Code Routing	\$10.00
7. Area Code/Exchange Routing	\$10.00
8. Area Code Blocking	\$10.00
9. Area Code/Exchange Blocking	\$10.00
10. Call Allocation	\$10.00
11. Day of Week Routing	\$10.00
12. Day of Year Routing	\$10.00
13. Time of Day Routing	\$10.00
14. Command Routing	\$10.00

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RATES AND CHARGES (Continued)

TAXES AND SURCHARGES

A. Applicable Taxes

In addition to the charges specifically pertaining to MTC's services, certain federal, state, and municipal surcharges, taxes, and fees will be applied. These surcharges, taxes and fees are calculated based upon the amount billed to the end user for the Carrier's intrastate services.

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RULES

Rule 1 - Definitions

A. Definitions

1. Accounting Code: A multi-digit code which enables a customer to allocate telecommunication charges to its internal accounts.
2. Authorization Code: A multi-digit code which enables a customer to access MTC's network and enables MTC to identify the customer's use for proper billing.
3. Business Hours: The phrase "business hours" means the time after 8:00 A.M. and before 5:00 P.M., Monday through Friday excluding holidays.
4. Carrier: The term "Carrier" means MTC.
5. Company: The term "Company" means MTC.
6. Customer: See definition under "subscriber".
7. Day: The term "day" means 8:00 A.M. to 4:59 P.M. local time at the originating city, Monday through Friday, excluding Company-specific holidays.

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RULES (continued)

Rule 1 - Definitions (continued)

8. Delinquent or Delinquency: The terms "delinquent" and "delinquency" mean an account for which payment has not been paid in full on or before the last day for timely payment.
9. Evening: The term "evening" means 5:00 P.M. to 10:59 P.M. local time at the originating city, Monday through Friday and on Company-specified holidays except when a lower rate would normally apply.
10. Exchange Area: The term "exchange area" means a geographically defined area wherein the telephone industry through the use of maps or legal descriptions sets down specified areas where individual telephone exchange companies hold themselves out to provide communication services.
11. Holiday: The term "holiday" means all Company-specific holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, and Christmas Day.
12. Local Access Transport Area ("LATA"): The phrase "Local Access Transport Area" means a geographical area established by the U.S. District Court for the District of Columbia in Civil Action No. 17-49, within which a local exchange company provides communication services.
13. Local Exchange Carrier/Local Exchange: This term means a company providing local telecommunications service within a local exchange or LATA.

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RULES (Continued)

Rule 1 - Definitions (continued)

14. Night/Weekend: The words "night/weekend" mean 11:00 P.M. to 7:59 A.M. local time in the originating city, Saturday, from 8:00 A.M. to Sunday at 10:59 P.M.
15. Nonbusiness Hours: The phrase "nonbusiness hours" means the time period after 5:00 P.M. and before 8:00 A.M., Monday through Friday, all day Saturday, Sunday, and on holidays.
16. Regular Billing: The words "regular billing" mean a standard bill sent in the normal MTC billing cycle. This billing consists of one bill for each account assigned to a subscriber.
17. Residential Service: The phrase "residential service" means telecommunication services used primarily as nonbusiness service.
18. Subscriber: The term "subscriber" means the firm, company, corporation, or other entity which contracts for service under this tariff and which is responsible for the payment of charges as well as compliance with Carrier's regulations pursuant to this tariff. The term "customer" is synonymous with the term "subscriber."
19. Switch: The term "switch" means an electronic device which is used to provide circuit routing and control.
20. Timely Payment: The term "timely payment" means a payment on a customer's account made on or before the due date.

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RULES (continued)

Rule 2 - Description of Service

- A. MTC provides 24-hour intrastate telecommunications services originating and terminating between points in Kentucky.

Rule 3 - Application for Service

- A. Business or residential households wishing to obtain service are required to sign a completed service order. On Carrier's receipt of the signed form, under normal circumstances, Carrier will accept or reject the order within three business days. The customer will be provided with service, under normal circumstances, within fourteen business days.
- B. Any change in rates or regulations prescribed by the Kentucky Public Service Commission automatically modifies the terms and regulations of contracts to the extent of such change.

Rule 4 - (Reserved)

Rule 5 - (Reserved)

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RULES (Continued)

Rule 6 - Establishment and Reestablishment of Credit

- A. MTC reserves the right to examine the credit record and check the references of all applicants and customers.
- B. Negotiations of customer's advance payment shall not itself obligate the Carrier to provide services or continue to provide service, if a later check of applicant's credit record is, in the opinion of the Carrier, contrary to the best interest of the Carrier.

Rule 7 - Advance Payments, Deposits, and Guarantors

A. Advance Payments:

- 1. At the time an application for service is made, an applicant may be required to pay an amount equal to one month's service charges and/or the service connection charges which may be applicable. The amount of the first month's service is credited to the customer's account on the first bill rendered.

B. Deposits:

- 1. Requirement: MTC may require an applicant or an existing customer to post a deposit as a guarantee for the payment of charges as a condition to receiving service or additional services. MTC reserves the right to review an applicant's or a customer's credit history at anytime to determine if a deposit is required.

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SECTION 9 (1)

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RULES (Continued)

Rule 7 - Advance Payments and Deposits (continued)

B. Deposits (continued)

2. Nondiscrimination: Deposits will not be required by MTC based on race, sex, sexual orientation, creed, national origin, marital status, age, number or dependents, condition of physical handicap, source of income, or geographical area of business.
3. Amount: The amount of the deposit shall not exceed the charges for two months of service based on the customer's average bills during the previous twelve months, or the amount of the deposit may be estimated from past toll usage, customer estimated anticipated usage, or MTC's network average toll usage considering the type and nature of the customer's service.
4. Refund or Credit Upon Discontinuance: Upon discontinuance or termination of the service, MTC will credit the deposit to the charges stated on the final bill or any additional outstanding amounts. The balance, if any, will be returned to the customer within 21 days of rendition of such final bill.
5. Refund or Credit After Satisfactory Payment: After prompt and timely payment of all charges for twelve consecutive billing periods, within 30 days, MTC will credit the deposit against charges stated on subsequent bills and refund any balance. Payment of a charge is satisfactory if received prior to the date that the charge becomes delinquent provided that it is not returned for insufficient funds or closed account. MTC may withhold a refund of a deposit pending the resolution of a dispute with respect to charges secured by such deposit.

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RULES (Continued)

Rule 8 - Method of Service of Notices

- A. Unless otherwise provided by these Rules, any notice by the Carrier to the customer may be given either verbally to the customer or to the customer's authorized representative, or by written notice mailed to the customer's last known address.
- B. Carrier will give written notice to customers of any rate increase or cancellation of service.
- C. Unless otherwise provided by these Rules, any notice by the customer or its authorized representative may be given verbally to the Carrier at the Carrier's business office or by written notice mailed to the Carrier's business office. Cancellation of service must be by written notice.

Rule 9 - Rendering and Payment of Bills

- A. Customer bills are issued monthly. The customer will receive its bill on or about the same day of each month. Months are presumed to have 30 days. The billing date is dependent on the billing cycle assigned to the customer. Each bill contains monthly recurring charges billed in advance, usage charges billed in arrears, and the last date for timely payment.

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RULES (Continued)

Rule 9 - Rendering and Payment of Bills (continued)

- B. Bills are due and payable as specified on the bill. Bills may be paid by mail or in person at the business office of the Carrier or an agency authorized to receive such payment. All charges for service are payable only in United States currency. Payment may be made by cash, check, credit card, money order, or cashier's check.
- C. Customer payments are considered prompt when received by MTC or its agent by the due date on the bill. The due date is 21 days after the bill is rendered and is designated by the due date on the customer's bill. The customer shall have at least 21 days from the rendition of a bill to timely pay the charges stated.
- D. However, if a customer's service has been discontinued within the past 12 months or if the customer incurs usage charges during a billing period which are equal to at least 200% of the amount of the customer deposit or guarantee, payment may be demanded for the usage charges by a telephone call to the customer followed by written notification of such demand sent by first class mail. If the usage charges remain unpaid in any of the following circumstances: five days from the rendition of written notification, or a mutually established late payment arrangement date, or 30 days from the date of the bill, the usage charge will be deemed delinquent. Charges deemed delinquent may be subject to the lesser of either a late payment charge of 1-1/2% per month or such other amount allowed by law. This amount will be assessed from the date payment was due.
- E. The Carrier is not responsible for local telephone charges incurred by the customer in gaining access to the carrier's network.

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RULES (Continued)

Rule 9 - Rendering and Payment of Bills (continued)

- F. A bill shall not include any previously unbilled charge for service furnished prior to three months immediately preceding the date of the bill, except charges for collect calls, credit card calls, third party calls and "Error file" calls (those which cannot be billed, due to the unavailability of complete billing information to the company) which shall have a six-month backbilling period. In cases of toll fraud, a backbilling period of no more than one and a half years.

Rule 10 - Disputed Bills

- A. Any disputed charge must be brought to MTC's attention by written notification within 30 days of the customer's receipt of the bill upon which the disputed charge appears.
- B. In the case of a billing dispute between the customer and the Carrier which cannot be settled to their mutual satisfaction, the undisputed portion and subsequent bills must be paid on a timely basis, as described in Rule 9, or the service may be subject to disconnection.
- C. The customer may request an in-depth investigation into the disputed amount and a review by a MTC manager within 30 days of the disputed bill's billing date.
- D. If the customer and MTC still disagree about the disputed amount after the investigation and review by a manager of the Carrier, the customer may appeal to the Kentucky Public Service Commission for its investigation and decision. If a customer initiates such an investigation, the customer must submit the disputed portion to the Commission pending the completion of the Commission's investigation. The address of the of the Kentucky Public Service Commission is as follows: 730 Schenkel Lane, P.O. Box 615, Frankfort, Kentucky 40602.

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RULES (Continued)

Rule 11 - Discontinuance and Restoration of Service

A. Discontinuance by Customer

1. A customer may have service discontinued upon 10 days notice to the Carrier. Notices will be deemed received upon actual receipt by the Carrier. Customers remain responsible for payment of all bills for services furnished.
2. If a customer cancels his order for service before the service begins, a \$10.00 charge will be levied upon the customer for the nonrecoverable portions of expenditures or liabilities incurred expressly on behalf of the customer by the corporation. Also, any fees for expedited service are nonrefundable.

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RULES (Continued)

Rule 11 - Discontinuance and Restoration of Service (continued)

A. Discontinuance by Customer (continued)

3. No minimum or termination charge will apply if service is terminated because of condemnation, destruction, or damage to the property by fire or other causes beyond the control of the customer.
4. Upon termination, pre-subscribed customers may be held responsible for charges thereafter if the customer has not selected an alternative long distance carrier or the local exchange carrier has not transferred service to the alternative carrier because such a customer may continue to receive service from MTC.

B. Discontinuance by MTC

1. MTC will follow the appropriate state requirements.
 - (a) MTC may discontinue service under the following circumstances:
 - (i) Nonpayment of any sum due to MTC for service more than 30 days beyond the date of the invoice for such service. In the event MTC terminates service for nonpayment, the customer will be liable for all reasonable costs of collection including court costs, expenses, and actual attorney's fees.
 - (ii) A violation of, or failure to comply with, any regulation governing the furnishing of service.
 - (iii) An order from a court or from another government authority having jurisdiction which prohibits MTC from furnishing service.
 - (iv) Failure to post a required deposit or guarantee.
 - (v) In the event the customer supplied false or inaccurate information of a material nature in order to obtain service.

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RULES (Continued)

Rule 11 - Discontinuance and Restoration of Service (continued)

B. Discontinuance by MTC (continued)

- (vi) Incurring charges not covered by a deposit or guarantee and evidencing an intent not to pay such charges when due.
- (vii) Any violation of the conditions governing the furnishing of service.
- (viii) For lack of use by the customer for three full billing cycles.
- (b) Service may be refused or disconnected in the event of illegal use. MTC may disconnect service for this reason after sending written notice certified mail to the customer's last known address.

C. Notice for Disconnection Under Rule 11(B)(1)(a)(i)-(viii)

- 1. Written notice of the pending disconnection will be rendered not less than 5 days prior to the disconnection. Notice shall be deemed given upon deposit, first class postage prepaid, in the U.S mail to the customer's last known address;
- 2. Service may be discontinued during business hours on or after the date specified in the notice of discontinuance. Service will not be discontinued on a day when the offices of MTC are not available to facilitate reconnection of service or on a day immediately preceding such a day.

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RULES (Continued)

Rule 11 - Discontinuance and Restoration of Service (continued)

D. Restoration of Service

1. The customer may restore service by full payment in any reasonable manner including by personal check. However, MTC may refuse to accept a personal check if a customer's check for payment of service has been dishonored, excepting bank error, within the last twelve months. There is a \$25.00 charge for restoration of service after disconnection.

Rule 12 - Information to be Provided to the Public

- A. A copy of this tariff schedule and advice letters will be available for public inspection in the Carrier's business office during regular business hours.
- B. A copy of this tariff will be provided by Carrier's business office upon request for a nominal cost to cover postage and copying fees.

Rule 13 - (Reserved)

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RULES (Continued)

Rule 14 - Continuity of Service

- A. In the event of foreknowledge of an interruption of service for a period exceeding 24 hours, customers will be notified in writing by mail at least one week in advance.

Rule 15 - Employee Service

- A. Employees of MTC receive no special rates or discounts.

Rule 16 - Limitation of Liability

A. Indemnification

1. The customer indemnifies and saves MTC harmless against all claims arising out of, including but not limited to, the following:
 - (a) acts or omissions of other companies when their facilities are used in connection with MTC's facilities to provide service; and
 - (b) claims for libel, slander, or infringement of copyright arising from the material claims for infringement of patents arising from, combining with, or using in connection with, facilities of the Carrier, apparatus and systems of the customer; and all other claims arising out of any act or omission of the customer in connection with facilities provided by the Carrier.

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RULES (Continued)

Rule 16 - Limitation of Liability (continued)

B. Furnishing of Services

1. The Carrier's obligation to furnish service is dependent upon its ability to secure and retain suitable facilities and rights for the provision of the service without unreasonable expense.
2. Service is furnished as Business Service and Residential Service. Any customer, whether business or residential, may obtain service from the Carrier subject to the terms and conditions stated in the Carrier's tariffs.

C. Transmitting Messages

1. The Carrier does not undertake to transmit messages but offers the use of its facilities, where available, for communication between parties subject to the terms and conditions specified in these tariffs.

D. Maintenance and Repair

1. All costs associated with the maintenance and repair of services furnished by the Carrier will be borne by the Carrier, except as specified elsewhere in this tariff.

E. Liability of Carrier

1. The liability of the Carrier, if any, for damages arising out of mistakes, omissions, interruptions, delays, errors, or defects in transmission during the course of furnishing service shall in no event exceed an amount equivalent to the charge to the customer for the service during which such mistakes, omissions, interruptions, delays, errors, or defects in transmission occurred in excess of 48 hours after notification has been made. The Carrier will not be responsible for any lost profits, consequential damages, or incidental damages of the subscriber or any other party, or for any claim of damage by the subscriber or against the subscriber by any other party. Any mistakes, omissions, interruptions, delays, errors, or defects in transmission or service which are caused by or contributed to by the negligence or willful act of the customer, or which arise from facilities or equipment used by the customer, shall not result in the imposition of any liability upon the Carrier.

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RULES (Continued)

Rule 16 - Limitation of Liability (continued)

E. Liability of Carrier (continued)

2. MTC shall not be liable for any act, omissions to act, negligence, or the quality of service of any local exchange carrier or other provider whose facilities are used in furnishing any portion of the service received by the customer.
3. MTC shall not be liable for any failure of performance due to causes beyond its control, including but not limited to cable dig-up by third party, acts of God, civil disorders, actions of governmental authorities, actions of civil or military authority, labor problems, national emergency, insurrection, riots, war, fire, flood, and atmospheric conditions or other phenomena of nature, such as radiation. In addition, the Carrier shall not be liable for any failure of performance due to necessary network reconfiguration, system modifications for technical upgrades, or regulations established by or actions taken by any court or government agency having jurisdiction over the Carrier.
4. MTC shall not be liable for any failure of performance caused by or the result of, but not limited to, any act or omission by a customer or any entity other than MTC that is furnishing services, facilities, and equipment used in connection with MTC's services or facilities.
5. In no event shall the customer have any claims against the Carrier for any fraudulent usage over customer's PBX or CPE equipment, with Direct Inward System Access ("DISA") capability, by an outside caller or employees of the customer.

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RULES (Continued)

Rule 16 - Limitation of Liability (Continued)

F. Overpayment

1. The Carrier shall not be obligated to refund any overpayment by a user unless a written claim for such overpayment, together with substantiating evidence which will allow the Carrier to verify such claim, is submitted within one year of the alleged overpayment.
2. If the customer sends the Carrier an overpayment and the Carrier discovers the overpayment, the Carrier will credit the overpayment to the customer's future billing.

G. Disclaimer of Warranties

1. Except as expressly provided in this tariff, the Carrier makes no expressed or implied understandings, agreements, representations, or warranties, including any warranties regarding the merchantability or fitness for a particular purpose.

H. Refunds for Interruption or Impairment to Carrier Service

1. It shall be the obligation of the customer to immediately notify the Carrier of any service interruption.

Rule 17 - Use of Service for Unlawful Purposes

- A. The services tariffed are furnished subject to the condition that they will not be used for any unlawful purposes. Service will not be furnished if any law enforcement agency, acting within its jurisdiction, advises that such services are being used or are likely to be used in violation of the law. If MTC receives other evidence giving reasonable cause to believe that such services are being or are likely to be so used, it will either discontinue or deny the services or refer the matter to the appropriate law enforcement agency.

Rule 18 - Unauthorized Use

- A. Any individual who uses or receives MTC service, other than under the provisions of an accepted application for service and a current customer relationship, shall be liable for both the tariffed cost of the service received and MTC's cost of investigation and collection.

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